

HAMILTON COUNTY BOARD OF COMMISSIONERS
OCTOBER 20, 2004

The Hamilton County Board of Commissioners met with representatives of the Hamilton County Humane Society and the Low Cost Spay/Neuter Clinic on Wednesday, October 20, 2004 at 3:30 p.m. in Conference Room 1A in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. President Dillinger called the meeting to order and a quorum was declared present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt.

Humane Society Operating Agreement: [3:31:57]

Holt stated the commissioners directed Mike Howard to create a proposed operating agreement with the humane society, which was approximately six weeks ago. Holt asked what is the status of the agreement? Scott Matthews stated the humane society has some questions on the agreement:

Humane Society requests an outdoor fence exercise area for the animals.

Minor language changes on the plumbing, sewage disposal to meet regulations.

Humane Society does not agree with the commissioners approving the fees.

There is no per animal fee for every stray or unwanted animal that comes in to the humane society which is covered under the current contract. It should at least be referenced in this contract that the county will pay the per animal fee.

We can do this so it is renewable with the parties negotiating a fee each year.

Issue with furniture, fixtures and equipment. The humane society agrees that if the county supplies them with new desks, office equipment, etc. which will stay with the county. If the humane society brings in their own furniture, own copier, etc. that should go with the Humane Society if the contract is terminated.

Modification of the indemnification language.

Paragraph #17, termination of all lease obligations on the existing building. The humane society's understanding is that the humane society may have equity in the building they currently occupy. Howard stated the humane society, thru sweat equity, built the building. There was a provision in that agreement that said the parties would have the building appraised, which was never done by either party. If the lease was terminated the humane society would be entitled to compensation for that cost depreciated by 5% per year. That agreement was in 1993. By the time the new building would be occupied, 15-16 years would be gone. Matthews stated the humane society would hate to give up any equity they may have, which is what the provision does. They would like to work out another arrangement that says if the county terminates the lease in the first year they would have so much equity and over a short period of time (5 years) that all equity that they may have ever had claim to is paid to us. Howard stated that is a policy issue the commissioners will have to determine.

Altman asked if euthanasia is totally the county's fiscal responsibility? Holt stated we initially said the county would do that but then the humane society thinks they can euthanize more humanely than a county employee so the humane society will take it on. Altman stated the euthanasia costs should be structured separate and apart and tagged towards the animals instead of every animal carrying that cost. Howard stated that needs to be in the annual agreement. Matthews stated we have an agreement that will run until the new facility is built. We will have to sign something at the end of the year that it will stay in place until we get the new building and then we can negotiate it. Matthews will send a red line copy of the agreement to Howard tomorrow.

Holt stated he understands the humane society's position on each point. He is not troubled on any of it except the idea of not having the county approve the fees. The humane society is not losing anything by submitting the proposed 2005, 2006 or 2007 fee structure to the county commissioners for approval. It is tied to the operating agreement and provides a good line of communication. Anything we can build in to the agreement that makes for lines of communication would be a positive. Anything that the county has involvement in, the commissioners approve the fees. It is never a situation that there are long debates. As a county owned facility, which is being operated for the benefit of the citizens of the county it seems logical that the humane society would send the proposed fees each year. Altman asked why not do it as part of the budgetary process? The county normally operates that their numbers would need to be submitted with the normal budget requests in June and that is part of the commissioner's approval process before it is recommended to council. Howard stated it would be logical to submit the fees at the same time you were asking for your fee per animal from government because those fees are inter-related. It is a public policy decision to determine what part will be funded by user fees and what part subsidized by government. Matthews stated we don't have a problem cooperating and keeping the lines of communication open. Our fees are lower than Indianapolis' fees. The county's contract is only a portion of our budget and fundraising is down. One way to increase revenue is to increase fees and we don't want to get in a situation where we need to make payroll, we are in a board meeting and we would like to raise adoption fees which will make a difference, yet our hands are tied and we don't have the autonomy to do that. The concern was their need to function and to make the decisions they need to make. Howard stated the commissioners meet every two weeks. Altman stated the concern is that the humane society is a private, not for profit entity and we step on a slippery slope when we get involved in their operations too far. They are a contract entity, as far as the county is concerned, and if they submit at budget time what they expect the county to reimburse per animal and what their charges are not to exceed during the year, then that would be appropriate. If they give us a not to exceed amount for the commissioners to approve, then it is appropriate as part of the contract that the humane society would come before the commissioners and ask for a variance. Hopefully you would know where you stand fiscally before you would get to that point. Matthews stated that is true and flexibility like that is a good concept. They could provide documentation why it costs the humane society more than \$157 per animal. We can discuss it. Altman stated for the taxpayers and the humane society we need to come to a resolution with the humane society. Howard asked the humane society to come up with a number that the commissioners can look at.

Spay/Neuter Services

Holt stated he went to the FACE Clinic in Marion County, which was very intriguing. They are doing it on a low cost, high volume basis. The real solution is not housing animals, adoption is important but spay/neuter is where we are going to get ahead of the curve. Velda Boenitz stated the Low Cost Spay/Neuter Clinic is a non-profit organization seeking a place to put our operation in Hamilton County. They would be delighted to be able to fit in to the new building, it would save them fundraising time and money. They would not be asking for anything else other than space. Holt stated the architect visited the FACE Clinic and on the most recent design of our plans he attempted to incorporate some of the best practices they saw for spay/neuter. Altman stated it looks like a lot of space could be shared with the humane society and their functions. Boenitz stated the current space in Indianapolis started as a house in the 1800's. The clinic purchased the house for \$55,000 and renovation cost \$350,000. They basically need 3,000 square feet, an area for 2 to 3 surgical tables, a separate area to prep the animals, and a recovery area. There is a need for washers and dryers. They will need one kennel for large dogs and one small dog room. Altman asked how long are the animals held after surgery? Boenitz stated they are not held overnight, they go

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home at 5:00 p.m. the day of the surgery. Sollenberger stated the veterinarian does surgery only, the techs take care of the prep, recovery, everything. They currently do 90 animals per day. Dillinger asked if they have talked with the humane society? Boenitz stated yes. Dillinger asked from each sides prospective do you each do what the other one wants to do? Sanders stated yes this is new information regarding the clinic being in their building. Boenitz stated Holt had suggested a common lobby with the two separate entities operating under the same roof. Howard stated we would have separate operating agreements for exclusive areas and the lobby and parking would be common area. Altman asked if they hire their own vets? Boenitz stated yes, they are employees of the clinic. Holt stated in order to fund the FACE Clinic they do shots everyday. The shot clinics are a profit center for FACE, therein lies more backlash than doing spay/neuter. Boenitz stated in order to be self sufficient they must do that. Altman asked what is the profit margin on the shots? Boenitz stated they can get the figures. Boenitz stated a lot of the profits from the shots is offered out to the community. The high end to spay a large female dog is \$55.00, the low end is \$25.00. Holt stated they have people come in after they get their social security check and help from trustees and the clinic will do it at no charge for someone who presents a good case for financial assistance.

Holt suggested asking Howard to do an operating agreement with the low cost spay/neuter group and do the revisions on the humane society agreement. At the same time we will set a meeting with the architect to look at the plans. Holt stated the humane society needs to understand the building is more spartan than any of the designs that we have previously worked through. There is a ceiling on the cost. Dillinger stated we need deadlines because if we can't come to an agreement the county will have to do things ourselves and we need to know that.

Holt asked Howard what is a reasonable time frame to get the documents out? Howard stated he could probably do the spay/neuter clinic documents by the end of next week. There will be some boilerplate language for the exclusive and common areas and then be referenced to an exhibit, which will be attached.

Matthews clarified that the building will have one main door with a door on one side of the hall for the humane society and another door on the other side of the hall for the low cost spay/neuter; separate reception areas? Holt stated same reception area. Matthews stated they will have their own receptionist desk inside their office that is separate? Holt stated yes. Holt suggested the plans be sent to the humane society, the spay/neuter clinic and you two can feel free to talk with each other and come to an agreement of what can be common and what is separate areas. Sanders asked if there are going to be any more occupants? Holt stated no, it would just be the two of you. Holt stated there could be the potential for a county animal control person but there is no space designated at this point. When we last talked we had worked away from the county animal control person. Boenitz asked the humane society board members to come and see FACE. Holt encouraged the humane society board members to visit the FACE clinic.

Sanders asked if there is any thought about an incinerator on site? Holt stated we are inclined to come up with a better solution. Holt stated in the new design there is a freezer. Sanders stated the humane society is not ready to accept all the dead animals that the county collects. Dillinger stated we should at least look at the incineration system. Holt will ask the architect to look in to it.

Roger Nix, D.V.M., asked how many Hamilton County residents travel to Marion County to have their animals spay/neutered? In one of the wealthiest counties of the country, does Hamilton County need a low cost spay/neuter clinic? Boenitz stated she believes they do. We all have a large problem with feral cats. Not everybody in the county has the money to take care of the problem. In 2001 there were approximately 2,000 people from Hamilton County who traveled to the FACE Clinic. Altman stated our population continues to grow as does unwanted animals. Apparently what we are doing now is not working. All the studies indicate that a low cost spay/neuter reduces the unwanted animal population. The FACE Clinic is not a full service vet clinic, if an animal comes in poor health they do not have surgery and it is recommended they see a private veterinarian. Nix asked why did you not consider starting a spay/neuter clinic within the humane society? Boenitz stated they could not do it at the humane society's inception.

Holt stated in concept we have a meeting of the minds that we will operate with both entities in the building, plans will be given to both groups. Howard and Matthews will clean up the humane society agreement and the low cost spay/neuter clinic's representatives will get an agreement by the end of next week for review. The two groups are going to talk with each other about space use and then we will meet again.

Holt asked Fred Swift to call Cripe to get a set of plans for each of the commissioners, the humane society, the low cost spay neuter clinic and a set for the file.

Altman motioned to adjourn. Holt seconded. Motion carried unanimously.

Present

Christine Altman, Commissioner
Steven C. Dillinger, Commissioner
COMMISSIONERS
Steven A. Holt, Commissioner
Michael A. Howard, Attorney
Fred Swift, Administrative Assistant to Commissioners
Robin M. Mills, Auditor

APPROVED
HAMILTON COUNTY BOARD OF

Kim Rauch, Administrative Assistant to Auditor
Dave Sanders, Hamilton County Humane Society

Scott Matthews, Hamilton County Humane Society
Judy Cohen, Hamilton County Humane Society
Roger Nix, D.V.M. - Hamilton County Humane Society
Deen Crouch, Hamilton County Humane Society
Velda Boenitz, Low Cost Spay/Neuter Clinic

ATTEST

Tammy Sollenberger, Low Cost Spay/Neuter Clinic
Myron Frank, Low Cost Spay/Neuter Clinic
Diana Lamirand, Noblesville Ledger
Robert Hansen, Noblesville Daily Times

Robin M. Mills, Auditor